

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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In the Matter of)	
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Lifeline and Link Up Reform and)	WC Docket No. 11-42
Modernization)	
)	
Telecommunications Carriers Eligible for)	WC Docket No. 09-197
Universal Service Support)	
)	
Connect America Fund)	WC Docket No. 10-90
)	

COMMENTS OF Q LINK WIRELESS LLC

John T. Nakahata
Traci D. Biswese
HARRIS, WILTSHIRE & GRANNIS LLP
1919 M Street NW, The Eighth Floor
Washington, DC 20036
(202) 730-1320
jnakahata@hwglaw.com

Counsel for Q Link Wireless LLC

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I. Introduction

Q Link Wireless LLC (“Q Link”) supports the Petition for Partial Reconsideration and Clarification of the Lifeline Modernization Order¹ filed by the Joint Lifeline ETC Petitioners² (“Joint Petitioners”) insofar as it seeks clarification, or, if necessary, reconsideration, that Eligible Telecommunications Carriers (“ETCs”) meet broadband minimum service standards when they offer a service plan that permits the customer to utilize the service for the full amount of the minimum standalone voice or broadband service requirement – such as, from December 1,

¹ See *Lifeline and Link Up Reform and Modernization, et al.*, WC Docket Nos. 11-42, 09-197, 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38, 31 FCC Rcd. 3962 (2016) (“*Lifeline Modernization Order*” or “*Order*”).

² Joint Lifeline ETC Petitioners’ Petition for Partial Reconsideration and Clarification, WC Docket Nos. 11-42, 09-197, 10-90 (filed June 23, 2016). The Joint Lifeline ETC Petitioners are American Broadband & Telecommunications Company, Blue Jay Wireless, LLC, i-wireless LLC, Telrite Corporation (collectively, the Lifeline Connects Coalition), and Assist Wireless, LLC, Easy Telephone Services Company d/b/a Easy Wireless, Prepaid Wireless Group LLC and Telscape Communications, Inc./Sage Telecom Communications, LLC (d/b/a TruConnect).

2016 to November 30, 2017, 500 megabytes per month or 500 minutes of voice use – but also allow the customer the option to consume less than the full amount of voice or data, and to substitute voice for data usage or data for voice usage.³ This reading of the Commission’s Order better respects consumer choice and does not force low-income consumers to buy voice or data capacity that they would not use.

Q Link fully supports the FCC’s efforts to reform the Lifeline program and to eliminate waste, fraud, and abuse. Q Link has already implemented state-of-the art enrollment processes that include multiple checks of NLAD, the U.S. Postal Service address database, private identity verification and Lifeline duplicates databases, and its own customer records, as well as implementing a separate, second review of eligibility documentation. Q Link does not distribute any Lifeline phones in person and only ships them to the residential address that it was able to verify for the customer using both the U.S. Postal Service database and the customer’s own photo identification.

Q Link stands ready to implement standalone broadband plans as soon as the new rules become effective. In addition, Q Link already provides consumers with a Wi-Fi enabled smartphone and, once the new rules take effect, will also be able to offer Lifeline consumers the choice of a Wi-Fi and CMRS-enabled tablet. Q Link will do its part to bring Lifeline into the broadband age. It just does not want to be forced by an unduly narrow interpretation of the Commission’s rules to compel low-income consumers to obtain more service than they need.

³ See *id.* at 11.

II. Q Link Supports the Joint Petitioner’s Petition Seeking Clarification That ETCs May Meet the Broadband Minimum Service Standard with Service Offerings That Decrement Based on Subscriber Voice or Broadband Usage.

In the *Lifeline Modernization Order*, the Commission required that to qualify for support, a Lifeline service has to meet minimum data service requirements or, for standalone voice service, voice minute of use requirements.⁴ When the first of these requirements take effect on or after December 1, 2016, they will require that offerings meet either the relevant broadband minimum service standard or the relevant standalone voice minimum service standard to receive full support.⁵ These requirements will increase in successive phases.⁶

As the Joint Petitioners set forth, the best reading of the *Order*’s minimum service requirements permits consumers to trade voice for broadband usage, and vice versa, even if the result is that, in a given month, the consumer may, through his or her choice, be able to use less than the minimum number of standalone voice minutes – because he or she chose to substitute data usage, or similarly may be able to use less than the minimum amount of data usage because he or she chose to substitute voice usage. Section 54.408(a)(1) of the Commission’s rules defines the minimum service standard as the service level that an ETC must “provide” to end

⁴ See *Lifeline Modernization Order* ¶ 74.

⁵ See *id.* ¶ 63. Effective the later of December 1, 2016 or 60 days after announcement of approval of the rules pursuant to the Paperwork Reduction Act, the minimum service standards will be 500 minutes per month for standalone voice and 500 Megabytes per months for a data plan. 47 C.F.R. § 54.408(b)(2), (3). A plan must meet either the voice or data minimum service requirement.

⁶ See *Lifeline Modernization Order* ¶¶ 64-65. Effective December 1, 2017, the minimum data requirement will be 1 gigabyte per month, and the standalone voice minimum requirement will be 750 minutes per month. Effective December 1, 2018, the minimum data requirement becomes 2 gigabytes per month, and the minimum standalone voice requirement will be 1000 minute per month. See 47 C.F.R. § 54.408(b)(2), (3).

users. In the *Lifeline Modernization Order*, the Commission interprets “provide” as “make available.”

Nonetheless, Commission staff has provided informal guidance that such a plan would not meet minimum standards if the consumer has the option to trade off data usage for voice usage and, in doing so, could find its data usage capped to a level below the minimum service level. In other words, a plan that allowed 700 megabytes of standalone broadband use (above the December 2016 data-only minimum standard of 500 megabytes), but allowed the consumer to substitute one minute of voice calling for one megabyte of data usage, would be deemed not to meet the minimum standard because the consumer might, for example, substitute 210 minutes of voice calling for 210 megabytes of allowed data capacity, resulting in the consumer only able to use 490 megabytes of data along with the 210 minutes of voice calling. Such a reading ignores the fact that, if Q Link offers such a 700-megabyte data plan in the market place, it is “making available” 700 megabytes of data usage to the consumer on a standalone basis, even if the customer can choose to substitute voice for data capacity.⁷ The same is true if the consumer purchases a 700 minute standalone voice plan (above the 500 minute December 2016 standalone voice minimum standard), but chose to substitute 210 megabytes of data for 210 minutes of voice calling capacity; that plan would again fail to meet minimum standards under the informal guidance. This is an irrational and profoundly anti-consumer result, and the *Order* presents no explanation of a policy basis for such an interpretation.

⁷ In fact, the devices Q Link provides to Lifeline subscribers are enabled for both data and voice use. Consequently, there is no burden on the consumer to decide in advance how much data use they expect to have relative to voice or to reconfigure their phone. Consumers can use voice only, data only, or a mix at their discretion.

There is no reason to read the *Order* to compel such an anti-consumer result. In Paragraph 67 of the *Order*, the Commission stated, “We continue to allow low-income consumers to apply the Lifeline discount to support fixed and mobile bundles that include one or more of the supported services *so long as one of the supported services offered satisfies the minimum service standard requirements.*”⁸ The Commission further explained, “In other words, the discount may be applied to a mobile bundle of voice and data services” – as in our examples above – “so long as *either* the voice service *or* the data service meets the applicable minimum service standard.”⁹ In both of the examples above, one of the supported services – either data or voice – exceeded the minimum data or voice requirements when used on a standalone basis. Notably, in neither of the examples given above was the amount of a supported service reduced by usage of a non-supported service (such as texting).¹⁰

Q Link thus supports the petitions to the extent they seek clarification or reconsideration of the broadband minimum service standards insofar as those standards could be read to preclude allowing consumers to trade off voice and data usage in plans that meet minimum service standards on a standalone basis. As the Commission explains in the *Lifeline Modernization Order*, the addition of broadband support “add[s] an additional measure of consumer choice as well as the opportunity for innovative providers to serve low-income consumers in new ways.”¹¹

⁸ *Lifeline Modernization Order* ¶ 67 (emphasis added).

⁹ *Id.* (emphasis in original).

¹⁰ Q Link believes that Lifeline providers should be required to provide unlimited texts, rather than reducing the availability of supported services because of texts. Q Link offers unlimited texting with no reduction in included voice or data usage.

¹¹ *Lifeline Modernization Order* ¶ 49.

III. Allowing ETCs to Meet the Broadband Minimum Service Standard with Service Offerings That Allow Consumers to Trade-off Voice or Broadband Usage Broadens Consumer Choice Without Forcing Consumers to Purchase Service They Do Not Want or Need.

Petitions submitted in response to the *Lifeline Modernization Order* emphasize that the rules governing broadband usage standards, if improperly executed, may negatively impact consumer choice.¹² As currently written, the standard could be improperly interpreted so as to prevent consumers from electing and utilizing the Lifeline services that make the most sense for their personal and budgetary needs. The Commission should not set standards that make it infeasible for ETCs to offer useful packages.¹³ It is important that broadband usage standards avoid forcing consumers to buy more than they need. To avoid hampering customer flexibility and Lifeline Program effectiveness, any ambiguity in broadband usage standards should be clarified in favor of broad consumer choice. Clarifying the standard to clearly communicate that combined service offerings decrement based on subscriber voice or broadband usage will ensure that the Commission satisfies its goal of achieving broadened consumer choice.

IV. CONCLUSION

Expanded consumer choice is a worthy goal of the *Lifeline Modernization Order*. It is for this reason that Q Link again urges the Commission to carefully consider the consumer choice implications of failing to clarify the broadband minimum service standard as it relates to mixed voice and broadband service offerings. Granting the Joint Lifeline ETC Petitioners'

¹² See Petition for Reconsideration of CTIA, at 6, WC Docket Nos. 11-42, 09-197-10-90 (filed June 23, 2016) (suggesting that the current mobile broadband usage standard may well place the service out of the reach of the very low-income consumers who are most reliant on Lifeline).

¹³ See generally TracFone Petition for Reconsideration, at 12-19, WC Docket No. 11-42, 09-197-10-90 (filed June 23, 2016) (urging the FCC to reconsider whether the minimum data usage amounts established in the *Order* would enable low-income consumers to have affordable access to mobile broadband service).

Petition for Partial Reconsideration and Clarification of the broadband minimum service standard rules, insofar as they apply to the ability to trade off voice and broadband usage in plans that would meet the minimum standards if used on a standalone basis, will ensure that consumers are not forced to purchase more than they need. Clarification will also ensure that it remains feasible for ETCs to offer useful packages.

Respectfully submitted,



John T. Nakahata
Traci D. Biswese
HARRIS, WILTSHIRE & GRANNIS LLP
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